

Gilhooly



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Aerosonic Corporation

**File:** B-240890

**Date:** September 19, 1990

Robert A. Damoiseau for the protester.  
Jeffrey I. Kessler, Esq., and John J. Welling, Esq.,  
Department of the Army, for the agency.  
Kathleen A. Gilhooly, Esq., Office of the General Counsel,  
GAO, participated in the preparation of the decision.

### DIGEST

1. Protest of solicitation provision indicating that the solicitation is to establish a mobilization base is untimely under Bid Protest Regulations when filed after the closing date for receipt of proposals.
2. Protest that agency has an obligation under prior contract to designate protester as a mobilization base producer concerns a matter of contract administration not for review by the General Accounting Office.

### DECISION

Aerosonic Corporation protests the award of a contract to any other offeror under request for proposals (RFP) No. DAAA09-90-R-0763, issued by the U.S. Army Armament, Munitions and Chemical Command, Rock Island, Illinois, for base assemblies for the M864 155mm projectiles. We dismiss the protest.

The RFP, issued on May 25, 1990, indicated in its executive summary and paragraph L-16 that the purpose of the acquisition was to establish a mobilization base for the M864 base assemblies,<sup>1/</sup> and, as amended, set July 13 as the closing date for receipt of proposals. Aerosonic's

<sup>1/</sup> Mobilization base procurements may be restricted to predetermined producers in order to create or maintain their readiness to produce critical supplies in the event of future military emergencies. See Red Fox Indus., Inc., B-225696, Feb. 20, 1987, 87-1 CPD ¶ 194.

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protest, filed with our Office on August 24, contends that Aerosonic should have been designated a mobilization base producer before the RFP was issued, and that the RFP should have been issued to increase, rather than establish, the mobilization base. According to Aerosonic, the Army had a contractual obligation to designate Aerosonic as a mobilization base producer as a result of a contract Aerosonic received under a prior RFP. Aerosonic argues that it might have altered its pricing policy to the benefit of the government under the current RFP if it had been designated a mobilization base producer under the prior RFP.

Our Bid Protest Regulations require that a protest based upon alleged improprieties in an RFP be filed prior to the closing date for receipt of proposals. 4 C.F.R. § 21.2(a)(1) (1990). Clause L-16 and the executive summary of the RFP clearly indicated that the purpose of the acquisition was to establish a mobilization base, not to retain the availability of the present base or expand the base. Since Aerosonic did not protest this provision until more than a month after the closing date for receipt of initial proposals, its protest that the RFP should have been issued to increase the mobilization base is untimely under our Bid Protest Regulations and will not be considered. See Bethlehem Steel Corp. et al., B-231923, B-231923.2, Nov. 3, 1988, 88-2 CPD ¶ 438.

To the extent that Aerosonic is protesting that the Army has a contractual obligation to designate Aerosonic as a mobilization producer under its prior contract, the matter is one of contract administration and not for review by our Office in a bid protest proceeding. 4 C.F.R. § 21.3(m)(1); see Federal Sales Serv. Inc., B-237978, Feb. 28, 1990, 90-1 CPD ¶ 249.

The protest is dismissed.

  
James A. Spangenberg  
Assistant General Counsel